



Atty. Dkt. No. 036163-0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michel H. Malek
Title: INTERVERTEBRAL DISC
PROSTHESIS
Appl. No.: 10/675,573
Filing Date: 9/30/2003
Examiner: GANESAN, Suba
Art Unit: 3738
Confirmation Number: 9969

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p>Jeffrey R. Lomprey (Printed Name)</p> <p><i>Jeffrey R. Lomprey</i> (Signature)</p> <p>October 11, 2006 (Date of Deposit)</p>

AMENDMENT AND REPLY UNDER 37 C.F.R. 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated August 17, 2006, concerning the above-referenced patent application. The shortened statutory period for reply is set to expire on November 17, 2006, therefore Applicant believes this response to be timely filed.

Applicant believes that no fees are due with this response, however the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check or credit card payment

form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Amendments to the Specification begin on page 3 of this document.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this document.

Remarks/Arguments begin on page 11 of this document.

Please amend the application as follows: